

-6-

REMARKS

In response to the Office Action mailed on January 9, 2007, Applicants respectfully requests reconsideration. Claims 1-3, 5-10, 12-14, 16-19, and 21-26 are now pending in this Application. Claims 1, 8, 12 and 18 are independent claims and the remaining claims are dependent claims. In this Amendment, claim 1 has been amended and claims 4, 11, 15 and 20 have been cancelled and claims 23-26 have been added. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

Rejections under 35 U.S.C. §102

Claims 1, 3-7, 12 and 14-17 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2003/0161340 to Sherman (hereinafter Sherman). Applicants respectfully disagrees with these contentions and assert that the present claimed invention is not anticipated by any disclosure in the Sherman reference.

Sherman discloses a method and system for optimally serving stations on wireless LANS using a controlled contention/resource reservation protocol. Sherman does not disclose wherein sending an acknowledgement of a frame before receiving the frame.

In contrast to Sherman, claim 12 discloses generating a first frame which includes an acknowledgement along with a payload, then receiving a second frame and wherein the acknowledgement included as part of the first frame is intended as a response to the second frame. Stated differently, claim 12 recites sending an acknowledgement of a frame before receiving the frame, which the prior art fails to disclose or suggest. Claim 1 has been amended to recite this limitation, and therefore claims 1, and 12 are believed to be allowable over Sherman. Claims 4 and 15 have been cancelled. Claims 3, 5-7, 14 and 16-17 depend from claims 1 or 12 and are believed allowable as they depend from a base claim which is believed allowable. Accordingly, the rejection of claims 1, 3-

-7-

7, 12 and 14-17 under 35 U.S.C. §102(e) as being anticipated by Sherman is believed to have been overcome.

Rejections under 35 U.S.C. §103

The Examiner rejected claims 2 and 13 under 35 U.S.C. §103(a) as being unpatentable over Sherman in view of U.S. Patent Publication NO. 2002/018667 to Chintada et al. (hereinafter Chintada). Claims 2 and 13 depend from claims 1 or 12 and are believed allowable as they depend from a base claim which is believed allowable. Accordingly, the rejection of claims 2 and 13 is believed to have been overcome.

The Examiner rejected claims 8, 10-11, 18 and 20-22 under 35 U.S.C. §103(a) as being unpatentable over Sherman in view of U.S. Patent Publication 2004/0037320 to Dickson (hereinafter Dickson). Claims 11 and 20 have been cancelled without prejudice. Claims 8 and 18 include language wherein a third frame which includes a second acknowledgement along with a payload, is generated before a first frame including a first poll is transmitted and further wherein the third frame is transmitted before the second frame is transmitted, the second frame including a first acknowledgement and a second poll. Sherman and Dickson fail to disclose the same. Dickson discloses that a transmission frame can be generated before all the data frames to be bundled have arrived, thus some data frames or some portion of a data frame has to be received before the transmission frame can be generated. In contrast to Dickson, claim 8 and claim 18 recite that the third frame is generated before the first frame is transmitted, thus no frames have to be received in order to generate a transmission frame. Accordingly, claims 8 and 18 are believed to be distinct from the Dickson reference, taken alone or in combination with Sherman. Claims 10, 21 and 22 depend from claims 8 or 18 and are believed allowable as they depend from a base claim which is believed allowable.

Claims 9 and 19 were rejected under 35 U.S.C. §103(a) over Sherman in view of Dickson and further in view of Chintada. Claims 9 and 19 depend from

-8-

claims 8 or 18 and are believed allowable as they depend from a base claim which is believed allowable.

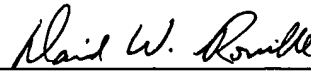
Claims 23-26 have been added. Support for these claims can be found in the specification as field at page 7, paragraph 42. Applicants submit that no new matter has been added by the inclusion of claims 23-26 and that the prior art of record fails to disclose or suggest the subject matter of claims 23-26.

In view of the above, the Examiner's rejections are believed to have been overcome placing claims 1-3, 5-10, 12-14, 16-19, 21-26 in condition for allowance and reconsideration and allowance thereof is respectfully requested.

Applicants hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,



---

David W. Rouille, Esq.  
Attorney for Applicants  
Registration No.: 40,150  
Chapin Intellectual Property Law, LLC  
Westborough Office Park  
1700 West Park Drive  
Westborough, Massachusetts 01581  
Telephone: (508) 616-9660  
Facsimile: (508) 616-9661

Attorney Docket No.: AVA04-01

Dated: March 27, 2007